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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

7310-15-1700A1

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Slade Gorton
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510-4701

Dear Senator Gorton:

This is in response to your letter dated October 27, 1993, requesting information regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was prompted by correspondence from your constituent, Nav Guard, expressing concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. For your information I have enclosed a copy of the Notice of Proposed Rule Making in PR Docket No. 93-61. Following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles. The Commission also recognizes the difficulty various users, including your constituent, may have in sharing this band and have therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any

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Honorable Slade Gorton

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changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

As your constituent has noted, North American Teletrac and Location Technologies (Teletrac), in a joint venture with Pacific Telesis, is an AVM licensee and did file the Petition for Rule Making that precipitated adoption of the Notice. Approximately 85 entities, however, filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission gives full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

Dorothy H. Baker

for Ralph A. Haller
Chief, Private Radio Bureau

Enclosure

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October 27, 1993

Federal Communications Commission
Congressional Affairs Office
1919 M. St. N.W.
Washington, D.C. 20554

Dear Congressional Liaison:

I have been asked by a constituent to assist in the matter described in the enclosed correspondence. I am referring this inquiry to you for your consideration.

Please provide the necessary information in duplicate and return the enclosures. Your correspondence should be sent to my Washington, D.C. office.

Thank you for your prompt attention to this matter.

Sincerely,



Slade Gorton
United States Senator

SG/dak
Enclosure

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NAV GUARD

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April 6, 1993

Senator Slade Gorton
United States Senate
Washington, DC 20510

RE: Opposition to activity by the FAA and Notice of
Proposed Rulemaking before the FCC.

Dear Senator Gorton:

Nav Guard is a venture capital funded electronics research, development and marketing company. Our efforts are currently focused on developing a low cost Vehicle Avoidance and Tracking System (VATS), initially targeting aviation applications, which employs a radio frequency data link operating under Part 15 of the FCC rules in the 902 to 928 MHz band. I would like to address two separate issues involving the FAA and the FCC.

FAA Long Range Radar Replacement Not Needed:

The FAA is budgeting hundreds of millions of dollars to replace long range radar systems that have been shown to have limited functionality. The concept of Automated Dependent Surveillance (ADS), whereby an aircraft reports its own GPS or LORAN derived position, obviates the need for long range radar and provides better and more accurate information for air traffic control and autonomous collision avoidance functions. Nav Guard and others are developing ADS systems which have a significantly better cost/benefit ratio than long range radar. We would like the Congress to cut spending on old outmoded technology and support development of low cost alternatives with more capability.

FCC Proposed Rulemaking Unfairly and Unnecessarily Affects Part 15 System Developers:

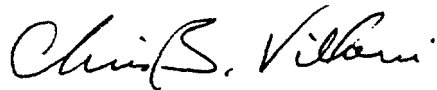
Part 15 of the FCC rules permits unlicensed use of the 902-928 MHz band when certain conditions are met. Accordingly, numerous U.S. companies have invested millions

in developing a wide variety of wireless data transmissions systems. Pactel Teletrac has developed Automatic Vehicle Monitoring (AVM) systems under an FCC Part 90 license which operate in the same 902-928 MHz band. Pactel Teletrac has petitioned the FCC to adopt permanent rules that amount to a "spectrum grab" that would effectively shut down the Part 15 development efforts referred to above. We oppose Pactel Teletrac's petition on the grounds that it is not in the public interest to grant it, it is anti-competitive and there are adequate technical solutions to the problems that Pactel Teletrac is erroneously attempting to address via the proposed rule changes. Your support of our position would be appreciated.

Please feel free to contact me if you would like more detailed information. Thank you for your consideration.

Sincerely,

NAV GUARD

A handwritten signature in cursive script, reading "Chris B. Villani".

Christopher B. Villani
General Counsel/Project Manager